

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHANDY BOUNKHOUN,

Plaintiff,

v.

DECISION AND ORDER
15-CV-631-A

STEPHEN E. BARNES, ESQ.,
ROSS M. CELLINO, ESQ.,
CHRISTOPHER D. D'AMATO, ESQ., and
CELLINO & BARNES, P.C.

Defendants.

This diversity action, alleging legal malpractice and violation of New York Judiciary Law § 487,¹ was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the performance of pretrial proceedings.

On June 28, 2022, Magistrate Judge Roemer issued a Report and Recommendation (“R&R”) (Dkt. No. 107) recommending that the Court grant Defendants’ motion for summary judgment in its entirety (Dkt. No. 95) and deny Plaintiff’s cross-motion for summary judgment in its entirety (Dkt. No. 97).

Federal Rule of Civil Procedure 72(b)(3) provides, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition *that has been properly objected to*” (emphasis added). Here, no objections to the R&R have been

¹ The Second Amended Complaint (Dkt. No. 28), the operative pleading in this case, alleges these two remaining causes of action, only.

filed. “When no timely objection is filed, the [C]ourt need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” 1983 Advisory Committee Note to Fed. R. Civ. P. 72(b); see *Patton v. Ford Motor Co.*, 14-CV-0308-RJA-HBS, 2017 WL 2177621, 2017 U.S. Dist. LEXIS 76148, *5 (W.D.N.Y. May 18, 2017) (same).

The Court finds no clear error with respect to Magistrate Judge Roemer’s recommendations. As such, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1) and for the reasons set forth in the R&R, Defendants’ motion for summary judgment (Dkt. No. 95) is GRANTED, and Plaintiff’s motion for summary judgment (Dkt. No.97) is DENIED.

The Clerk of Court shall enter Judgment in favor of Defendants and shall take all steps necessary to close the case.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: July 25, 2022
Buffalo, New York